



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शुक्रवार, 19 मई, 2006/29 वैशाख, 1928

हिमाचल प्रदेश सरकार

REVENUE (PROJECT CELL) DEPARTMENT

NOTIFICATION

Shimla-171 002, the 27th April, 2006

No. Rev (PD) F (5)-1/1999.—The Governor, Himachal Pradesh is pleased to notify the Scheme for the Resettlement and Rehabilitation of Project affected families of Parbati Hydro Electric Project as per Annexure-A.

By Order,

Sd/-

F. C.-cum-Secretary.

ANNEXURE—"A"

RESETTLEMENT AND REHABILITATION SCHEME FOR PROJECT AFFECTED FAMILIES OF PARBATI HYDRO- ELECTRIC PROJECT

Whereas for construction of Parbati Hydro Electric Project, besides Government land, private land has also to be acquired by the State Government for handing over to the Project Authority. Due to the acquisition of private land for the Project, many families will be affected and some of them may also become houseless and landless.

And Whereas to protect the interests of the Project affected families, adequate arrangements for the Resettlement and Rehabilitation have to be made in accordance with Rule 8-A of the Himachal Pradesh Nautor Land Rules, 1968, which provides for framing of a special scheme for Resettlement and Rehabilitation of persons who are displaced as a result of anything done for any public purpose.

Now, therefore, the Government of Himachal Pradesh and NHPC hereby make the following scheme for Resettlement and Rehabilitation of persons affected on account of acquisition/private negotiations of their land and other immovable properties under the Land Acquisition Act, 1894 for the construction of Parbati Hydro Electric Project, affecting people of Kullu District.

PART-I

1.1 This scheme may be called the Resettlement and Rehabilitation Scheme of National Hydro Electric Power Corporation Ltd., for the Project affected families of Parbati Hydro-Electric Project (hereinafter called R&R Scheme for PHEP).

1.2. It shall extend to the whole of area affected or likely to be affected as a result of construction of Parbati Hydro-Electric Project within Kullu District of Himachal Pradesh.

1.3. The Commissioner for Resettlement & Rehabilitation appointed by the State Government for supervising the relief and rehabilitation works of various Projects in Himachal Pradesh would also be the Commissioner for Resettlement and Rehabilitation under this scheme. The resettlement and rehabilitation works shall be carried out under his directions and guidance.

1.4. Deputy Commissioner, Kullu in whose jurisdiction the Project affected Area falls, will be the Administrator for Resettlement and Rehabilitation of the area.

1.5. In this Scheme, unless the context otherwise requires:—

“Family” means husband/wife of the person who is entered as owner/co-owner of land in the Revenue Record, their children including step or adopted children, grand children and includes his/her parents and those brothers and sisters who are living jointly with him/her as per entries of Panchayat Parivar Register as on the date of Notification under Section-4 of the Land Acquisition Act, 1894.

Explanation :

Only the Panchayat Parivar Register Entry, as it stood on the date of Notification under section 4 of the Land Acquisition Act, 1894, shall be taken into account for the purpose of “separate family” for rehabilitation benefits well as for consideration of employment.

(b) “Project Affected Area/Affected Zone” means area as notified by project authority or where land is acquired for construction for any component of project, infrastructure, township, offices, construction facilities, welfare facilities etc. Unit for declaring Project Affected area would be Panchayat/Revenue Village.

“Project affected Family” means a family/person whose place of residence or other properties or source of livelihood are substantially affected by the process of acquisition of land for the project and who has been residing continuously for a period of not less than three years preceding the date of declaration of the Project

Affected Area/ Affected Zone or practicing any trade, occupation or vocation continuously for a period of not less than three years in the Project Affected area/Affected zone, preceding the date of declaration of the affected zone.

Explanation :

The date of declaration will be taken as the date of notification under Section 4 of the Land Acquisition Act, 1894. The period of residence of not less than three years will not be applicable in respect of PAFs who own land in the Project Area. The period of residence of not less than three years as well as effects on source of livelihood would be determined by the Deputy Commissioner concerned.

“Project affected family rendered landless” means that family whose agricultural land is acquired for the project or in whose case balance agriculture land left after acquisition is less than 5 bighas.

For this purpose agricultural land held within the project are by all such persons and their family members shall be reckoned. Person losing land on acquisition of building and land appurtenant thereto shall not be treated as landless project affected family. The landless project affected family shall be certified by the Deputy Commissioner, Kullu.

Project affected family rendered houseless means the family whose dwelling house is acquired for the Project. This will be certified by the Deputy Commissioner, Kullu.

- (C) (iii) In addition to the above two categories, there will be Project Affected families who will be rendered landless as well as houseless as per definitions given above. They shall be eligible for benefits of project affected families rendered landless and project affected families rendered houseless. This will be certified by the Deputy Commissioner, Kullu.

“Displaced Shopkeeper(s)” means the Shopkeeper(s), who had taken shop(s) on rent and had been genuinely running business therein as on date of issuance of notification under Section 4 of the Land Acquisition Act, 1894 and whose such shop(s) is acquired for the Project or the shop owner who was himself running his business in such shop(s).

“Project Authority” in normal connotation refers to Project developer or Project proponent e. g. State Government or Public Sector Undertaking implementing Project, etc. i. e. NHPC Limited in this case.

- (f) Words and expressions used in this scheme but not defined herein shall have the same meanings as assigned to them in the Himachal Pradesh Nautour Land Rules, 1968.

PART-II

Sanction of rehabilitation grant, infrastructural grant or facilities and grant to the project affected families rendered landless or houseless or both.

2.0 Resettlement Grant :

2.1 The Project Affected Family which is rendered landless on account of acquisition of land shall be eligible for landless grant in the following manner:—

1. Family whose land before acquisition was more than 5 bighas and is left with one biswa or no agriculture land after acquisition Rs. 78,000/-.
2. Family whose land before acquisition was less than five bighas and is left with one biswa or no agriculture land after acquisition Rs. 66,000/-.
3. Family whose land holding is left with more than one biswa and less than 2-10-0 bighas of land after acquisition Rs. 60,000/-.
4. Family whose land holding is left with more than 2-10-0 and less than five bighas of land after acquisition Rs. 54,000/-.
5. Family whose cattle shed is acquired in the project area, shall get one time financial assistance of Rs. 6000/- in no case the grant shall exceed Rs. 6000/- per family.

2.2 Each Project affected family which is rendered landless as well as houseless (both) of house less will be provided an independent house with a built up plinth area of 60 sqm. Alternatively PAF can also be offered a plot of size which allows construction of built up house of 60 sq. mt. Plinth area plus construction cost of the house @Rs. 3600 per sq. mtrs.

A family which does not opt for house/plot but constructs his house at his own cost with a plinth area of 60 sqm. or more (upto 50 % shall be paid the construction cost of the house @ of Rs. 4200 per sq. mt options from such families will be asked at an appropriate time. In case any such family constructs house of less than 60 sq. mt. plinth area on his own plot or plot offered by the Project then amount to be given will be worked out on prorata basis.

Note.—In case a houseless person has already taken benefit of houseless grant @ Rs. 76,000/- under earlier scheme, he may opt to continue with the same or seek benefits as per clause 2.2 supra by surrendering earlier grant.

2.3 Displaced shopkeepers will be given shops in allotment in the market complex of the Project Township wherever the Project constructs such market places. In addition, they will be entitled to one time displacement grant of Rs. 12,000/-. The commercial premises/shops allotted to such displaced shopkeepers shall be utilized by them or their successors in interest for bonafide use only. In case the Project is unable to provide shops, displaced shopkeepers shall get financial assistance of Rs. 48,000/-

2.4. Infrastructural facilities in the Rehabilitation colony will include water supply, sewage, drainage, electricity, streets and approach paths/roads at the Project cost.

2.5 Transportation at the Project cost will be provided for physical mobilization of all the PAFs, and displaced shopkeepers, as soon as the house/shop get constructed in the Rehabilitation colony or a sum of Rs. 6,000/- in lump sum and the option will be invited from the affected families/shopkeepers.

— 2.6 Stamp duty and other fees payable for registration shall be borne by the Project Authority. The Deputy Commissioner Kullu will be the sanctioning authority for rehabilitation grant which shall be provided by the project authorities and placed at the disposal of the concerned Deputy Commissioner for disbursement to the eligible concerned.

Note.—All the above grants shall be in addition to the compensation paid under Land Acquisition Act, 1894.

3.0 Employment :

3.1 One member of each Project Affected Family rendered landless will be provided employment by the Project Authority in the Category of Skilled/semi-skilled/unskilled workmen subject to fulfilling the requisite criteria, qualification and ss and when any fresh recruitment is done in these categories. It would be ensured that land oustees eligible for employment as mentioned above are given chance first and normal recruitment would be made only if none are available from amongst them. However, persons who are allotted shops shall not be eligible for benefit of employment and vice versa.

The following criteria will be adhered to by the Deputy Commissioner concerned for providing of preference while sponsoring the names for employment :—

- (i) Affected families whose entire land has been acquired.
- (ii) Affected families who have become landless on account of acquisition of land by the Project.
- (iii) Others.

Within these categories preference will be given on the basis of quantum of land acquired. Those who lose more land will come first.

3.2 Secondary Employment :

There may be families who are not covered under the Project affected family rendered landless/houseless/shopless as given at 1.5 (c) (i), (c) (ii) (c) (iii) and (d) but their land is acquired for the project, they shall have to be helped in starting some gainful occupation or getting training. Therefore, such families who may not be accommodated in direct employment, the Project Authorities will help them in any one of the following manner.

3.2.1. Merit scholarship scheme for the wards of Project affected families (PAFs), who may be pursuing vocational or professional course shall be introduced by the Project Authorities as per Scheme to be drafted by the Project in consultation with Government of Himachal Pradesh.

3.2.2. The Project Authorities will be consider to award petty contracts to the co-operatives of eligible families on preferential basis so that some may be engaged in such jobs. further, the Project Authorities will advise their contractors to engage eligible persons from affected families on a preferential basis wherever possible during construction stage.

3.2.3 The Project affected families (including rural artisans/small traders and self-employed persons) will be assisted to start various suitable self employed occupations which include dairy farming, poultry, weaving, bakery, handicraft, Cottage industries unit/shops and hiring of vehicles to the Corporation. The Project Authority will provide a grant of Rs. 36,000/- per family towards seed capital. The grant will be given once only.

"Only those families who have not been provided with employment in the Project or have not been allotted any shop will be eligible for this grant."

Explanation :

The Deputy Commissioner Kullu will certify effect on source of livelihood in case of rural artisans, small traders and self employed persons for eligibility of the grant.

3.2.4 The Project Authority will provide support services for Project Affected Families interested in horticulture, agriculture and veterinary.

3.2.5 Free of cost cooker to each project affected family would be provided by the Project.

PART—III

4.0 Community Development :

4.1 Project affected areas/villages, after due assessment done by the committee constituted under the chairmanship of the Deputy Commissioner will be provided with infrastructural up-gradation schemes which will include :

- Mobile Health Centre/Van.
- Approach roads
- Internal Roads.
- Drinking Water Supply Schemes.
- Community/Welfare Centres.
- Facilities/Furniture/Lab Equipment etc. for Schools.
- Play Ground.
- Sanitation Facilities.
- Street Lighting.
- Agriculture/horticulture camps and facilities.

4.2 Infrastructural facilities:

The Project will build such infrastructural development works in the vicinity of the project area that may be essentially required for the construction of the project and or benefit the local population. These works may be mutually decided with Government of Himachal Pradesh.

4.3 The PAF, who after having taken benefit of earlier scheme as per letter No. Rev. (PD) F (5)-1/99 dated 16-9-2002 intend to opt for this scheme, will have to give option within a period of three months, after publication of this scheme in the gazette to the Deputy Commissioner, Kullu that they are ready either to surrender the amount taken under the earlier scheme or have no objection if the same is adjusted, while releasing the benefit of present scheme by the project authorities Any over payment, after adjustment shall be paid by the PAF in lump sum.